



UNITED STATES  
PATENT AND  
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY  
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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#24

In re Application of :  
Gregory S. Hamilton et al. :  
Serial No.: 09/204,238 : WITHDRAWAL OF ABANDONMENT  
Filed: December 3, 1998 :  
Attorney Docket No.: AR138-X :


This is in response to applicants' petition under 37 CFR § 1.181, filed April 19, 2001, requesting revival of the above-identified application based on a timely response to an Office action.

A review of the file history indicates the examiner mailed a Final Office action to applicants on July 27, 2000, setting a three month shortened statutory period for reply. An amendment after Final rejection was filed January 29, 2001, (Monday) accompanied by a three month extension of time and fee therefor and a Notice of Appeal. The examiner mailed an Advisory action on February 14, 2001, denying entry of the amendment on the basis that the newly added claims were not to the same invention as previously claimed. For unknown reasons the Notice of Appeal was not timely correlated with the file. Applicants then filed a Request for an RCE on February 26, 2001, directing that the previously submitted amendment after final rejection be entered. Because the Office failed to timely correlate the Notice of Appeal with the application file, thus maintaining pendency for filing of the RCE, the application was held abandoned by Notice of Abandonment mailed March 21, 2001. In view of the Office error, the Notice of Abandonment is withdrawn and the application is restored to a pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

**The application will be forwarded for processing of the RCE including entry of the amendment after final rejection filed January 29, 2001, which appears to be limited to the invention of previously examined claim 21.**

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.

  
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